**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

**FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929**

**WP(C).No. 12083 of 2007(L)**

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**PETITIONER:**

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**MINIJA.M., FULL TIME LANGUAGE TEACHER (HINDI), VALIYANOOR NORTH UP SCHOOL, P.O.VARAM-670 594. KANNUR DISTRICT.**

**BY ADV. SRI. P.M. PAREETH**

**RESPONDENTS:**

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1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **ASSISTANT EDUCATIONAL OFFICER, KANNUR NORTH, KANNUR DISTRICT.**

3. **HEADMISTRESS, VALIYANOOR NORTH UP SCHOOL, P.O.VARAM, KANNUR DISTRICT.**

**BY GOVERNMENT PLEADER SRI. T. T. MAHMOOD.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 12083/2007(L)**

**A P P E N D I X**

**PETITIONER'S EXHIBITS:**

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|---|---|---|
| **EXT. P1** | **:** | **COPY OF THE RELEVANT PORTION OF THE RULES OF FIXATION (ANNEXURE-2) DATED 25.3.2006.** |
| **EXT. P2** | **:** | **COPY OF THE LETTER DATED 19.3.07 ALONG WITH THE NEW OPTION FORM SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.** |
| **EXT. P3** | **:** | **COPY OF THE ENDORSEMENT DATED 22.3.07 BY THE SECOND RESPONDENT RETURNING THE NEW OPTION SUBMITTED BY THE PETITIONER.** |
| **EXT. P4** | **:** | **COPY OF THE STATEMENT OF FIXATION COMPARING THE FIXATIONS ON THE BASIS OF OPTIONS DATED 1-7-04 AND 1-6-05 PREPARED BY THE PETITIONER.** |
| **EXT. P5** | **:** | **COPY OF THE G.O.(P) NO. 397/06/(9)/FIN. DATED 5.10.06.** |

**2ND RESPONDENT'S EXHIBITS:**

| | | |
|---|---|---|
| **EXT. R2(a)** | **:** | **COPY OF OPTION FORM.** |

**// True Copy //**

**P.A. to Judge.**

**dvs**

S.SIRI JAGAN,J

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W.P.(C).No.12083 of 2007

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Dated this the 19th day of October, 2007

JUDGMENT

Petitioner is a full time language teacher in Hindi. She obtained higher grade on 01.06.2005. Pursuant to 2004 pay revision orders, petitioner submitted option to come over to the new scale of pay. It was acted upon and the pay was fixed in the new scale of pay. Later before the extended date for submission of options, petitioner by Ext.P2 sought cancellation of the original option and to accept fresh option which was forwarded by the Headmaster of the school to the A.E.O. Under cover of Ext.P3 letter. However, the same was rejected by Ext.P3 endorsement in Ext.P3 itself. The petitioner is challenging the endorsement in Ext.P3 refusing to accept her revised option.

2. The contention of the petitioner is that in so far as the period prescribed for submitting options was not over, petitioner had a right to revise his option and therefore Ext.P3 is unsustainable and liable to be quashed.

3. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

The procedure for exercise of option is stipulated in the Government Order granting revision of pay, which is Ext.P1. Clause 12 to 21 contains the relevant provisions. Clause 15 specifically says that options once exercised shall be final. Perhaps if the option exercised by the petitioner had not been acted upon and the petitioner wanted to withdraw the earlier option, she could have been allowed to change her option before the last date. But, in this case admittedly the petitioner's original option was accepted and acted upon on 22.7.2006. That being so, in accordance with Clause 15, option has become final. Therefore, the petitioner cannot later seek to cancel the earlier option and get her pay revised in accordance with the revised option. In the above circumstances, I do not find any merit in the writ petition. Accordingly, the same is dismissed.

S.SIRI JAGAN, JUDGE

dvs